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March 27, 2023

The Honorable Ann M. Donnelly
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Douglass Mackey, Criminal Docket No. 21-0080 (NGG)

Dear Judge Donnelly:

I write on behalf of Douglass Mackey to provide the Court with an update and flag a few issues:

1. Mr. Mackey will not be calling FBI Special Agent Rees and is prepared to rest this morning.
2. Regarding the government's interview reports from the Clinton campaign, the government declined to call any additional witnesses, and I decline to call them on behalf of Mr. Mackey or request that any witness be recalled. I proposed a stipulation about these interview reports, but the government did not respond. With the Court's permission, I will supplement my motion for a mistrial based on the Clinton interview reports with my papers in support of my motion pursuant to Rule 29, if the jury returns a verdict of guilty. If it aids the Court, I hereby renew my motion pursuant to Rule 29 as if made after the defense rests this morning.
3. The transcript at page 413, line 20, is in error. The date October 25 (when Mr. Mackey was suspended from Twitter) should be October 5.
4. I move to strike the word "Muslim" from GX 1004-0004 based on the Order of Judge Garaufis, March 17, 2023, Docket No. 100 at 15. I emailed the government about this issue yesterday, but did not hear back. I request that the government be prepared with an alternate version of the exhibit if the Court sustains this objection.

Respectfully submitted,

/s/ Andrew J. Frisch
Andrew J. Frisch

cc: US Attorney's Office